

REMARKS

Claims 1-4 are rejected in the subject application and are presently under consideration.

Claim 1 has been amended herein. New claims 5-15 have been added herein to highlight various novel aspects of the subject invention. A clean version of all pending claims is found at pages 2-4 of this Reply. A version to show the amendments made is found at pages 8-9 of this Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

**I. Rejection of Claims 1, 2 and 3 Under 35 U.S.C. 102(e)**

Claims 1, 2 and 3 stand rejected under 35 U.S.C. 102(e) as being anticipated over Hudetz, *et al.* (U.S. Patent No. 5,978,773). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Hudetz does not disclose each and every element of applicant's application as recited in the subject claims.

For a prior art reference to anticipate, 35 U.S.C. § 102 requires that "each and every element as set forth in the claim is found, either expressly or inherently, described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Specifically, Hudetz does not disclose providing demographic information about the consumer to the product manufacturer by utilizing the information inquiry, as recited in claim 1. In the Office Action dated March 28, 2002, the Examiner contends that such element is "inherent" based on the manufacturer receiving the user's IP address (demographic/ geographic information) in order to make a response to the user's request. Applicants' respectfully disagree.

"Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Mehl/Biophile Int'l Corp. v. Milgraum*, 192 F.3d 1362, 1365, 52 USPQ2d 1303, 1305 (Fed. Cir. 1999), reh'<sup>g</sup>

denied, 1999 U.S. App. LEXIS 31386 (Fed. Cir. Oct. 37, 1999) (*quoting In re Oelrich*, 666 F.2d 578, 581, 212 USPQ323, 326 (CCPA 1981)).

When a manufacturer replies to a user's request, the IP address that is transmitted from the user is not demographic information. Demographic information includes characteristics of a user (e.g., age, sex, location) used to identify markets. In contrast, an IP address is merely the address of a computer attached to a TCP/IP network. Further IP addresses can be dynamically assigned, causing the same client workstation to have a different IP address every day. Thus, an IP address received by a product manufacturer does not provide demographic information about a consumer, as suggested by the Examiner.

The Examiner further contends that "if the user orders a product from the manufacturer, it is even more inherent for delivery purposes that the manufacturer must receive more user's demographic/geographic information such as the user's name, address, zip code and payment information and so on." However, it is submitted that providing such information conventionally requires the user to manually enter and submit such information by completing a form provided by the manufacturer. Such information is not provided by utilizing an information inquiry, as recited in claim 1. Moreover, claim 1 cannot be seen as inherent because the possibility that a certain thing may occur from a set of circumstances is not sufficient to establish such a rejection under 35 U.S.C. § 102(e).

Because Hudetz does not describe each and every element, expressly or inherently, Hudetz does not anticipate claim 1 or claims 2 and 3, which depend therefrom. Accordingly, withdrawal of this rejection and allowance of claims 1-3 are respectfully requested.

### **II. Rejection of Claim 4 Under 35 U.S.C. 103(a)**

Claim 4 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Hudetz, *et al.* (U.S. Patent No. 5,978,773) in view of Kaplan (U.S. Patent No. 5,963,916). It is respectfully submitted that this rejection should be withdrawn for at least the following reason. Claim 4 depends from claim 1, which is believed to be in condition for allowance for the aforementioned reasons. Accordingly, withdrawal of this rejection is respectfully submitted.

**III. New Claims 5-15**

Claims 5-15 have been newly added herein to emphasize various novel features of the subject invention. It is respectfully submitted that the limitations recited in these claims are neither disclosed nor suggested in the references alone or in combination. Accordingly entry and allowance of these claims are respectfully requested.

**CONCLUSION**

The present application is believed to be condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin  
Reg. No. 40,894

24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731

VERSION WITH MARKINGS TO SHOW CHANGES MADEIn the claims:

Please amend claim 1 as follows:

At claim 1, line 2, please replace "the", first occurrence, with --a--.

Please add the following new claims:

--5. (New) A method for a consumer to obtain product information, comprising:

entering a Uniform Product Code (UPC) associated with a product into a consumer terminal;

transmitting Transmission Control Protocol/Internet Protocol (TCP/IP) packet information to a Mapping Service Provider (MSP);

receiving a link to a manufacturer web page from the MSP;

transmitting a request for product information to the manufacturer web page, demographic information about the consumer being transmitted with the request for product information; and

receiving the manufacturer web page.

6. (New) The method of claim 5, the UPC being entered into the consumer terminal via a bar code reader.

7. (New) The method of claim 5, the UPC being entered into the consumer terminal via a keyboard.

8. (New) The method of claim 5, the TCP/IP packet comprising the UPC and a field instructing the MSP to launch a mapping program.

9. (New) The method of claim 8, the mapping program matching the UPC to a web site address in a database.

10. (New) The method of claim 5, the manufacturer web page including timer information such that consumer terminal software automatically executes the link to the manufacturer web page after a predetermined amount of time.

11. (New) The method of claim 5, the MSP comprising a computer functioning as a web server with a mapping program database.

12. (New) The method of claim 11, the mapping program database comprising a list of data corresponding to UPCs and a list of web site addresses associated with each UPC.

13. (New) A method for obtaining consumer demographic information, comprising: transmitting packet information pursuant to a product query to a destination Internet address; and

employing cross application of a Domain Name System (DNS) to translate Internet Protocol (IP) mapping information to the destination Internet address to allow obtaining of demographic information associated with each product query.

14. (New) The method of claim 13, employing the demographic information to determine at least one of a scope of the product query, a geographic location of the product query, and a person initiating the product query.

15. (New) The method of claim 13, employing the demographic information for providing at least one of targeted marketing, follow-up information, product announcements, and saleable product of the demographic information.--